

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

AGNES COLLINS,

Plaintiff,

v.

// CIVIL ACTION NO. 1:07CV86
(Judge Keeley)

MEADOWBROOK MALL COMPANY, an
Ohio Limited Partnership, doing
business as Meadowbrook Mall
Company Limited Partnership,
THE CAFARO COMPANY, an Ohio
corporation

Defendants.

ORDER GRANTING MOTION TO AMEND COMPLAINT

On August 3, 2007, the plaintiff, Agnes Collins ("Collins"), through her counsel, filed a motion to amend her complaint. As grounds for her motion, Collins states that, after filing her complaint, she became aware that KNK, Inc./Kiddie Koncepts, Inc., a Pennsylvania company, was responsible for placing the "tripping hazard" on the floor at the Meadowbrook Mall which caused her to fall. According to Collins, Defendant Meadowbrook Mall Company has also advised her that Kiddie Koncepts, Inc. agreed to indemnify the mall in this type of suit. Therefore, she seeks leave to add Kiddie Koncepts, Inc. as a defendant in this case. The defendants do not oppose Collins' motion.

"A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served . . ." Fed. R. Civ. P. 15(a). "Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so

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requires." Fed. R. Civ. P. 15(a); Foman v. Davis, 371 U.S. 178, 182 (1962) (stating "this mandate is to be heeded"); Edwards v. City of Goldsboro, 178 F.3d 231, 242 (4th Cir. 1999).

Finding no opposition to the motion, the Court **GRANTS** the motion to amend complaint (dkt no.6) and **DIRECTS** the Clerk to file Collins' proposed amended complaint that was attached as an exhibit to her motion.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: August 13, 2007.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE